

DEC 03 2004

PTO/SB/30 (08-00)

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DEC 02 2004

**REQUEST FOR CONTINUED
EXAMINATION (RCE) TRANSMITTAL**

Subsection (b) of 35. U.S.C. § 132, effective on May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

| | |
|----------------------|----------------------|
| Serial No. | 09/681,758 |
| Filing Date | 05/21/2001 |
| First Named Inventor | Sean M. McCullough |
| Group Art Unit: | 2154 |
| Examiner Name | Patel, Ashokkumar B. |
| Atty. Docket No. | VIGN1250-1 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment (s)/reply under 37 C.F.R. § 1.116 filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ **Enclosed**
- i. ☐ Preliminary Amendment
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement, PTO 1449 and References from PCT Search Report
- iv. ☒ **Other** Reply to Office Action Dated 09/02/04

2. Miscellaneous

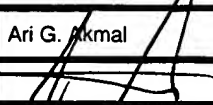
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.


- a. ☒ **The Director is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-3183 for the pendency of this application.**
- i. ☒ **RCE fee required under 37 C.F.R. § 1.17(e)**
- ii. ☐ Additional Claims Fee Under 37 CFR 1.16 and 1.17
- iii. ☐ Other _____
- b. ☒ **Check in the amount of \$790.00 is enclosed.**
- c. ☒ Authorized to deduct addition fees or credit overpayments to Deposit Account 50-3183 of Sprinkle IP Law Group.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

| | | | |
|-------------------|---|-----------------------------------|------------------|
| Name (Print/Type) | Ari G. Akmal | Registration No. (Attorney/Agent) | 51,388 |
| Signature |  | Date | December 2, 2004 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail to Address, Label No. EV516702521US, in an envelope addressed to: Mail Stop: RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

| | | | |
|-------------------|---|------|------------------|
| Name (Print/Type) | Janice Pampell | | |
| Signature |  | Date | December 2, 2004 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents,

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| IN THE UNITED STATES PATENT AND TRADEMARK OFFICE | |
|--|---|
| REPLY TO OFFICE ACTION DATED 09/02/04 | |
| Atty. Docket No. VIGN1250-1 | |
| Applicant Sean M. McCullough | |
| Application Number 09/681,758 | Date Filed 05/31/2001 |
| Title Method for Continuous, Frame-Specific Click-Stream Recording | |
| Group Art Unit 2154 | Examiner Patel, Ashokkumar B. |
| Confirmation Number: 6416 | |

Mail Stop: AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

| <u>Certificate of Mailing Under 37 C.F.R. §1.10</u> |
|--|
| <i>express mail</i> I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450 on December 2, 2004 . |
| <i>Janice Pampell</i> Janice Pampell |

In response to the Official Action mailed September 2, 2004, Applicant respectfully requests the Examiner reconsider the rejections of the Claims in view of the this reply.